

Republic of Moldova
Center for Legal Assistance
for Persons with Disabilities

Report

on the analysis of the situation regarding the rights of persons with disabilities in the Republic of Moldova

People with special needs in the Republic of Moldova, as well as their families, deserve and are entitled to be part of the society, just like the others, without being marginalized and without fear. Anywhere in the world, persons with disabilities require special attention, which is manifested either by appropriate government policies and strategies (integration opportunities, cash allowances, special institutions) or by ordinary citizens' attitudes and involvement of civil society in solving the problems they face. In our society, recently have been taken significant steps towards creating conditions for social integration of persons with disabilities, and this subject began to be widely publicized, yet an enormous number of unresolved issues is lagging behind.

Thus, in the Republic of Moldova are registered over 170,000 people with disabilities, recognized as "the most vulnerable social group in terms of social exclusion".

Most of the rights of persons with disabilities have a declarative nature and are not applied in the Republic of Moldova. There is no mechanism to monitor the exercise of the rights of persons with disabilities. People with disabilities are still excluded from social life. Until now, Moldova has no coherent policy on integrating people with disabilities in the labour field or providing them vocational guidance services. There is very little information and statistical data on the condition of people with disabilities in Moldova. NGOs in the field of persons with disabilities are more oriented towards providing services and currently are little involved in the adoption and monitoring of relevant policies. People with disabilities are not sufficiently involved in civil society organizations. The modern approach to policies for people with disabilities is based on the idea of inclusion. This is also the focus of the UN Convention on the Rights of Persons with Disabilities, which is a paradigm shift –persons with disabilities turning from objects of social assistance into active subjects of society, citizens with equal rights.

Legal Assistance Center for Persons with Disabilities is a nongovernmental, non-profit, apolitical, public interest organization, established on 14 July, 2006, by a group of people with disabilities. The major objectives of the Centre are:

- achieving, defending and promoting the rights of persons with disabilities;
- informing people with disabilities about their legal rights;
- raising public awareness about the problems of people with disabilities

The Center offers the following services: free legal advice for people with disabilities and specialized NGOs; representation before courts, public authorities, businesses and individuals through various advocacy activities; preparing applications, petitions, letters to the interests of people with disabilities; informative seminars for people with disabilities and NGOs in the field; editing and publishing information materials on the Rights of Persons with Disabilities.

In the Republic of Moldova, there are a number of problems that these groups of people are facing, problems that need to be overcome, such as:

• **social benefits of people with disabilities in Moldova are below the mark** - People with disabilities in the Republic of Moldova form a vulnerable group requiring the creation of conditions for their integration into society. Integration, not isolation or institutionalization, is

the main objective of social policies that comply with international practices and principles. People with different forms of disability and their families form a category of disadvantaged persons compared with other population groups. Although the average size of benefits is constantly increasing, it remains still very small and does not cover the minimum necessary to ensure a decent standard of living. The average amount of the disability pension, according to figures from the Ministry of Social Protection, Family and Child, in 2008, after indexing, was 545.56 lei (in 2007 - 470.57 lei). It is this group of people that is often at risk of falling to the verge of poverty. Based on the desideratum of the Constitution, such persons shall enjoy special social protection from the state.

To this end, we recommend:

- to replace incentives by social assistance means, aiming to compensate for disability, given the special needs of persons with disabilities

to meet the special needs through special assistance means: means of technical assistance, financial aid and social services

- to encourage disabled people to want to get employed in the labor field. To this end, shall be satisfied a number of special needs: to refurbish public buildings, housing, public transport, etc.

• **legal framework not adjusted to international standards to ensure the rights of persons with disabilities** - Law on social protection of invalids in the Republic of Moldova from 1991, provides that every company, institution and organization is required to reserve at least 5% of the total number of jobs for people with disabilities. Employers who fail to do so must deduct to the unemployment fund a sum worth an average annual salary for each unreserved job. This provision, however, never worked in Moldova. Although the law provides a mechanism for ensuring the employment of people with disabilities and establishing the responsibilities of various institutions to implement it, so far there is no coherent social policy of inclusion of these people into the workforce, says the Social Inclusion Strategy for people with disabilities for 2010-2013. Unlike the positive European experience in the Republic of Moldova no employer is motivated by the state to employ people with disabilities, as no one gets incentives to accept these people. Currently, the state budget subsidizes only institutions in which at least half of the employees are disabled. The Societies of Invalids, Deaf and Blind have such undertakings, but within approximately 20 specialized companies, in 2008 worked about 5,000 people with disabilities, now, in 2011, their number reached about 15000. *To this end, we recommend:*

- to speed up amendments to existing legislation, because the Law nr.821-XII of 24 December 1991 on social protection of invalids is not properly observed, due to the lack of a clear mechanism for implementation.

• **method of determining disability** – The analysis of statistical data over the past years attests a trend of increasing both the number of people with permanent disabilities, as well as the disability index. According to information provided by the Ministry of Social Protection, Family and Child, in 2008, 14,021 persons fall within the degree of disability, by 1.7% more than in 2007 (13,779 persons). The incidence of primary disability in 2010 was 392 cases per 100,000 inhabitants, compared to 384 cases in 2007. It is alarming that 88.1% of primary people with disabilities are of a working age, 62% of primary disabled people live in rural areas. The primary disability is an indicator of activity of public medical-sanitary institutions (PMSI), which largely reflects the quality of care delivered to population. Another problem that remains alarming is the situation in the sphere of awarding degrees of disability. A considerable number of appeals to the ombudsman come, especially, from persons awarded a degree of disability, which draw the attention to the problems they face. Mostly addressed issues relate to social care for disabled and the conferment of degrees of disability, in particular, diminishing those. The analysis of these types of complaints shows the lack of

information of people, whose degree of disability is determined by the Territorial Primary Board of Medical Expertise of Vitality, on the complaint / review procedure of those decisions. In this context, the ombudsman continues to argue that full and truthful information of the population in this area will undoubtedly contribute to accomplishing their rights. Otherwise put, it is necessary to revise the current definition of disability and legal concepts related to it, introducing a single definition for persons with disabilities, modifying the methodology for determining the degree of disability, so that these desiderate do not exhibit discriminatory elements and meet international standards. *To this end, we recommend:*

- to change the method of determining the degree of disability
- to develop new methods for determining the degree of disability for children, the working capacity for people of working age and the special needs of these individuals
- to determine the degree of disability on three levels: light, moderate and severe.

• **low level of employment and low motivation for employment of persons with disabilities** - Employment is an almost unattainable thing for most people with disabilities in Moldova, especially since the current national legislation establishes that they are unable to work. Even if one has several occupations or several university degrees, as long as this person moves around in a wheelchair or has a poor eyesight, he/she is considered invalid and will be employed according to the medical prescription and not his/her working capacity, the thing which does not favor this type of inclusion. In 2010, 535 persons with disabilities have registered with employment agencies and less than 15% of them were hired. The lucky ones that were helped by the state to find an additional source of income were those with the 3rd degree of disability. The others, amongst which there are people with mobility and eyesight impairments, are not considered good to work. They are made dependent on the state's ability to provide for their financial survival, which is an average pension of 600 lei. *To this end, we recommend:*

- to create a legal, organizational and administrative system of professional rehabilitation for people with disabilities
- to establish the cycle of vocational rehabilitation services to persons with disabilities, comprising: the assessment of professional skills, career guidance and counseling, restoration of professional skills and development of new professional skills, help with employment in the labor market
- to develop a plan for financing vocational rehabilitation services
- to draw the allocation plan of social benefits to individuals participating in vocational rehabilitation
- to encourage employers to offer jobs to people with disabilities
- to create and develop a system of social ventures

• **limited access for persons with disabilities to social infrastructure as a result of unsuitable physical environment in terms of architecture** – Almost no building in Moldova has ramps to allow access for persons with disabilities, this is one of the main problems faced by this category of people. Although national legislation requires public authorities to provide physical infrastructure to adapt to the needs of persons with disabilities, currently there are only few public institutions adapted to the needs of these people. In addition, is being attested the lack of standards regarding the minimum means and facilities of access to public buildings and the lack of national and local ratings with respect to the need and costs of adapting infrastructure of public buildings and living space. Based on the Convention on the Rights of Persons with Disabilities, to this end it is necessary to create a national committee involving representatives from civil society, concerned with the problems of people with disabilities, monitoring compliance with the rigors of adjusting the social infrastructure to the needs of persons with disabilities; development of single standards, which will set out minimum requirements for public and private institutions to adapt the physical

infrastructure; conducting a full assessment of the degree of adaptation of all public institutions and services and their compliance with the single requirements developed; estimating the expenditure required to ensure access for people with special needs, in part by each authority, and including this in the draft state budget, as well as the purchase of public transport facilities adapted to the needs of persons with disabilities. *To this end, we recommend:*

- to develop recommendations based on comprehensive assessments to adapt social infrastructure: buildings, roads, transportation, institutions and jobs, etc., empowering local authorities to adapt the infrastructure.

- **limited access to information environment** - Under the circumstances of the current election campaign carried out in Moldova throughout the years 2009 - 2010, the issue of access for visually impaired persons to exercise the right to vote remained basically unsolved. Those over 10,000 visually impaired persons in our country are still largely deprived of the full exercise of their voting rights. In the Republic of Moldova, the access of blind persons to elections is somewhat covered by the law, and namely Art. 54 (1) of the Election Code provides: "The voter who is unable to independently complete the ballot, has the right to invite another person into the cabin, except members of the polling stations, members representing candidates and persons authorized to attend the electoral operations". On the other hand, the Moldovan Constitution stipulates in Art. 38 (1) that "the will of the people is the basis of the state power. This will is expressed through free elections which take place periodically through universal, equal, direct, secret and freely expressed vote". However, to date the Government has failed to fully ensure the expression of the will of persons with visual impairments by direct and secret ballot. Another issue related to the violation of information environment for visually impaired persons is the access to education for the blind youth. The lack of textbooks in Braille pointed system and sound books in educational institutions remain a dream for the Republic of Moldova. The same goes for the deaf-mute persons attesting to the same problem. The institutions of justice in Moldova do not have a sign gestures interpreter who could translate the information for the deaf and dumb. *To this end, we recommend:*

- informing people with disabilities and those who represent their rights and acting on their behalf on their rights, equal opportunity and nondiscrimination, in accordance with European and international treaties on human rights and the rights of persons with disabilities

- to organize each year social marketing campaign in respect of rights and opportunities for social integration of persons with disabilities

- to create and distribute movies and stories aimed at disseminating best practices to promote the rights of persons with disabilities to improve their image.

- to facilitate the process of adapting information environment: free access to information; including people with disabilities in developing the information environment; ensuring their access to Internet; developing ancillary techniques of communication; media involvement in adapting the information environment.

- **the indifference of the society towards the problems of persons with disabilities** – The UN Convention on the Rights of Persons with Disabilities is a fresh approach to this category of population, people with special needs, is against the terms "invalid", "handicapped" or "crippled". Unfortunately, today we continue to meet these terms either in the media, or in legislative or regulatory provisions, or with the common people. The implementation of this Convention would make a vital change for people with special needs, would turn these people from the welfare recipients into full active members of this society. People with disabilities are excluded from social life (walking only between home and specialized institutions), often having restricted the right to enter into contact with an environment that might make them feel

the surrounding reality. An example in this regard in the Republic of Moldova is the problem of people with autism. According to statistics in the Republic of Moldova annually are born approx. 40,000 children, respectively, 240 -280 children / year are potential children with autistic syndrome. In reality the figure is much higher and growing (many parents do not register children with the specialized hospitals (currently, the Psychiatric Hospital) for reasons of stereotypes and prejudices). So there is virtually no official statistics that would properly estimate the incidence of this disease in the Republic of Moldova. These children are invisible to our country. They are not diagnosed in time, do not benefit from therapy that provides opportunities for recovery and are not allowed to go to kindergarten or school. In this context, we mention that for the subjects of disability, the barriers are of external character, having mechanical, technological or administrative nature. Socially independent life means, for these people, ramps and other means of access and movement that everyone understands, because if they are not visible, they may become viewable.

To this end, we recommend:

- deinstitutionalization of persons with disabilities and the development of a network of social services focusing on the inclusion of persons with disabilities in the society

- to fight to change the mentality of the society on its stereotypes and prejudices against people with disabilities through various information means: media, seminars, trainings, etc.

With the ratification, on July 9th, 2010, of the UN Convention on the Rights of Persons with Disabilities, the Republic of Moldova has shown some political will to establish clearly defined objectives for policy reforms to protect persons with disabilities. Thus, in order to adjust the regulations concerning social protection of disabled persons in the Republic of Moldova to the Convention, on 07/09/2010 has been drafted and approved the Strategy for Social Inclusion of People with Disabilities (2010-2013).

The strategy defines the state policy reform in the area of disability and includes guidelines for activities in the field of approximation of the social protection system of disabled persons with European standards and the provisions of the Convention.

The ratification of the Convention by the Republic of Moldova has come to improve national policies for people with disabilities by opening many opportunities to benefit from international cooperation and funding in this area. The document also comes as an essential contribution to raising the image of the Republic of Moldova and thus to sustain its significant progress in fulfilling commitments to international and European institutions. In addition, it will essentially contribute to raising Moldova's image and should help its significant progress in fulfilling the Action Plan Moldova - EU (2005-2007), points (4), (17); Millennium Development Goals; the Council of Europe Action Plan of Persons with Disabilities 2006-2011. We express our belief that through joint efforts, by mobilizing all relevant actors in society, these issues will be addressed in the State policy priorities so as to build a truly inclusive society, from which all citizens will benefit.

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